

§ 19.452

27 CFR Ch. I (4–1–16 Edition)

these products to bonded premises, and prescribes rules for voluntary destruction on or off bonded premises.

CONDITIONS FOR RETURN OF SPIRITS TO BOND

§ 19.452 Return of taxpaid spirits to bonded premises for destruction, denaturation, redistillation, reconditioning, or rebottling.

(a) *Allowable returns.* A proprietor may return spirits to bonded premises if the spirits were taxpaid or tax determined by him, by another distilled spirits plant proprietor, or by an importer upon importation through U.S. Customs and Border Protection. However, consistent with section 5215(a) of the IRC the proprietor may return such spirits to bond only for one of the following reasons:

- (1) Destruction, in accordance with § 19.459;
- (2) Denaturation, in accordance with subpart O of this part;
- (3) Redistillation, in accordance with subpart L of this part;
- (4) Reconditioning; or
- (5) Rebottling.

(b) *Dump and gauge of returned spirits.* The proprietor must immediately dump spirits returned to bonded premises under this section unless the spirits are returned in the sealed metal drums in which they were withdrawn. The proprietor must gauge spirits returned under this section upon their receipt. The proprietor may gauge spirits in bottles based upon the case markings and label information in accordance with § 19.286.

(c) *Claims for credit or refund of tax.* A proprietor may file a claim under § 19.264 for credit or refund of tax on spirits returned to bonded premises under this section. In addition to the information specified in § 19.264, a proprietor filing a claim for credit or refund of tax must have on file at the plant where spirits are returned to bond the following documentation for each lot of spirits returned:

- (1) Documentation that establishes the amount of tax for which the claim

for credit or refund is filed. If the spirits contain eligible wine or eligible flavors, the proprietor must have on file a copy of the record of tax determination as prescribed by § 19.611, or other documentation that establishes the rate of tax that was paid on the product. In lieu of establishing the actual effective tax rate of the product, the proprietor may claim a credit or refund based on the lowest effective tax rate applied to the product; and

(2) Credit memoranda or comparable financial records evidencing the return of each lot of spirits.

(d) *Applicability of Chapter 51 of the IRC.* All provisions of chapter 51 of the IRC and of this part that apply to spirits under TTB bond also apply to spirits when returned to bond under this section.

(26 U.S.C. 5008, 5010, 5201, 5207, 5215)

§ 19.453 Return of bottled spirits for relabeling or reclosing.

A proprietor may return bottled distilled spirits to his bonded premises for relabeling or reclosing. When bottled spirits are returned for relabeling or reclosing, the proprietor may not claim credit or refund of tax on the returned spirits, and no tax will be due on their subsequent removal. The proprietor must relabel or reclose the bottles immediately and must promptly remove the spirits from bonded premises. The provisions of § 19.363 apply to relabeling and reclosing performed under this section.

(26 U.S.C. 5215)

§ 19.454 Other authorized returns to bonded premises.

In addition to the returns to bonded premises specified in §§ 19.452 and 19.453, there are other permissible returns of distilled spirits products to a proprietor's bonded premises. These other products, the purposes for which they may be returned, and the conditions for their return are listed in the table below. All of these products must be gauged upon receipt.

Type of product	Purpose of return	Conditions
	(1) For redistillation	To any DSP authorized to produce or process.

Alcohol and Tobacco Tax and Trade Bureau, Treasury

§ 19.455

Type of product	Purpose of return	Conditions
(a) Denatured spirits withdrawn free of tax under part 20 of this chapter.	(2) For subsequent lawful withdrawal.	To any DSP. The DSP proprietor must file a consent of surety, form TTB F 5000.18, to extend the terms of the operations or unit bond to cover the return of spirits.
(b) Recovered denatured spirits	(1) For restoration or redenaturation.	(i) To any DSP authorized to denature. (ii) If SDA needs to be redistilled, the DSP must be authorized to produce or process spirits. (iii) Returns must be in accordance with part 20 of this chapter.
(c) Recovered articles	(1) For restoration or redenaturation.	(i) To any DSP authorized to denature. (ii) If recovered articles need to be redistilled, the DSP must be authorized to produce or process spirits. (iii) Returns must be in accordance with part 20 of this chapter.
(d) Articles manufactured under part 20 of this chapter and spirits residues from manufacturing processes.	(1) For recovery by redistillation	To a DSP authorized to produce or process spirits.
(e) Specially denatured spirits withdrawn free of tax for export under part 28 of this chapter.	(1) For redistillation	To any DSP authorized to produce or process.
(f) Tax-free spirits withdrawn under part 22 of this chapter.	(2) For subsequent lawful withdrawal.	To any DSP. The DSP proprietor must file a consent of surety, TTB F 5000.18, to extend the terms of the operations or unit bond to cover the return of spirits.
(g) Recovered tax-free spirits withdrawn under part 22 of this chapter.	(1) For redistillation	(i) To any DSP authorized to produce or process. (ii) To any DSP. The DSP proprietor must file a consent of surety, TTB F 5000.18, to extend the terms of the operations or unit bond to cover the return of spirits.
(h) Spirits withdrawn without payment of tax under part 28 of this chapter for export, for transfer to a customs bonded storage, manipulation, or manufacturing warehouse, for deposit in an FTZ, or for use on vessels or aircraft, and not so exported, transferred, deposited, or used.	(2) For restoration (not including redistillation).	(i) To any DSP authorized to produce or process. (ii) To any DSP. The DSP proprietor must file a consent of surety, TTB F 5000.18, to extend the terms of the operations or unit bond to cover the return of spirits.
(i) Wine spirits withdrawn without payment of tax for use in wine production.	(1) For redistillation	(i) For (1)—To any to DSP authorized to produce or process spirits. (ii) For (2)—To the bonded premises from which withdrawn for later lawful removal. (iii) For (1) and (2)—Returns must be made in accordance with the provisions of part 28 of this chapter.
(j) Spirits withdrawn without payment of tax for research, development, or testing.	(1) Any lawful purpose	(i) To any DSP. (ii) The proprietor must obtain approval as provided in § 19.403. (iii) Removal of wine spirits from a winery must be in accordance with part 24 of this chapter.
	(1) For destruction, or return to containers, or return to the distilling system.	(i) To the DSP from which the spirits were withdrawn.

(19 U.S.C. 81(c), 26 U.S.C. 5001, 5062, 5066, 5214, 5215, 5223, 5273, 5373)

[T.D. TTB-92, 76 FR 9090, Feb. 16, 2011, as amended by T.D. TTB-92a, 76 FR 19908, Apr. 11, 2011]

§ 19.455 Return of spirits withdrawn for export with benefit of drawback.

(a) Subject to the provisions of §§ 28.197 through 28.199 of this chapter, whole or partial shipments of spirits withdrawn for export with benefit of drawback may be returned to: